

POLICY & PROCEDURE: Participant Requests for Access to Protected Health Information for Inspection and/or Copying

Section:
Privacy

Effective Date: April 14, 2003

Reviewed by: NDPERS Board
Reviewed Date: 12/19/02

POLICY

Participants have the right to request to inspect or obtain a copy of their Protected Health Information ("PHI") in the designated record set.

PROCEDURE

- NDPERS requires and informs participants that requests for access to PHI must be made in writing to the Privacy Officer, 400 East Broadway, Suite 505, Bismarck, ND 58502.

When a request for access to PHI is received, it will be acted upon according to the following time frames:

- Within thirty (30) days if the requested information is maintained and accessible on site; or
 - Within sixty (60) days if the requested information is maintained off site.
- If the request is granted, NDPERS informs the participant and provides the access requested, within the time frames above.
- The time frames stated above may be extended one time for no more than thirty (30) days. If the extension is necessary, NDPERS will provide the participant, within the time frames above, a written statement that specifies the reason(s) for the delay and the date by which the participant may expect to receive a decision on the request to access the PHI for inspection and/or copying.
- NDPERS documents the records that comprise the designated record set that is subject to access requests and maintains these records for a period of six (6) years from the date they were created or were last in effect, whichever is later.
- NDPERS maintains the titles of the persons/offices responsible for receiving and processing access requests for a period of six (6) years.

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When NDPERS denies a request for access (in whole or in part):

The participant is given a statement written in plain language that includes:

- the reasons for the denial decision;
- if applicable, the participant's right to a review of the decision with an explanation of how to exercise this right; and
- a description of how the participant may file a complaint with NDPERS and Department of Health and Human Services (DHHS), including the title and telephone number of a NDPERS contact person.
- To the extent possible, NDPERS will grant access to other PHI for which there are no grounds to deny access.
- If the denial is reviewable and the participant requests such a review, NDPERS will designate a licensed health care professional, not involved in the original denial decision, to serve as a reviewing official. Upon receipt of a review request, NDPERS will promptly refer the denial to the reviewing official for reevaluation. NDPERS will provide written notice to the participant of the reviewing official's determination.
- If NDPERS denies access because it does not maintain the PHI requested but knows where the requested PHI is maintained, NDPERS will inform the participant of where to direct the request.

When a request for access is accepted (in whole or in part):

- The participant is notified of the decision and may choose to inspect the PHI, copy it, or both, in the form or format requested.
- In place of providing access, NDPERS may provide a summary of the requested PHI for an additional charge if the participant agrees to the summary and to the additional fee.
- NDPERS and the participant will arrange a mutually convenient time and place for the participant to inspect and/or obtain a copy of the requested PHI.
- NDPERS will mail a copy of the requested PHI if the participant prefers this method of obtaining a copy.

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Fees charged by NDPERS for access to PHI:

- NDPERS charges a reasonable, cost-based fee for copying, including labor and supplies (for instance, paper, computer disks).
- NDPERS charges the cost of postage when the participant requests that the information be mailed.
- No fee is charged for retrieving or handling the PHI or for processing the participant's access request.
- NDPERS may charge a nominal fee for preparing an explanation or summary of the requested PHI if the participant is informed of and agrees to receive a summary of the PHI and is willing to pay the fee.